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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in this Submission: 4

Application No.	10/815,330
Filing Date	3/31/2004
First Named Inventor	Dennis R. Berman
Art Unit	3714
Examiner Name	Harris, Chanda L.

Attorney Docket No. TRV00-0001-R-1

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers for Application	<input type="checkbox"/> Fee Address Indication Form
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After-Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Statement under 37 CFR 3.73(b)	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney by Assignee, with Revocation of Former Powers	<input type="checkbox"/> Response to Official Action mailed
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement and PTO Form 1449	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Additional Enclosure(s):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Credit Card Payment Form PTO-2038	
<input type="checkbox"/> Response to Missing Parts Notice/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Name	Hoyt A. Fleming III	Date	11/2/2005
Signature		Customer Number:	28422
Address	Park, Vaughan & Fleming LLP, P.O. Box 140678, Boise, ID 83714	Telephone	(208) 336-5237
		Facsimile	(208) 342-5363

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U. S. Postal Service as  Express Mail or  First Class Mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on 11/2/2005.

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Date of Deposit: 11/2/2005

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97

Inventors: Dennis R. Berman  
 Title: LOCK-IN TRAINING SYSTEM  
 Filing Date: 3/31/2004  
 Serial Number: 10/815,330  
 Group Art Unit: 3714  
 Examiner: Harris, Chanda L.

On an enclosed Form PTO-1449 is information known to applicant(s) and submitted pursuant to 37 C.F.R. § 1.56. A copy of each listed publication and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. § 1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the enclosed Form PTO-1449 in accordance with MPEP § 609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56.

This statement qualifies under 37 C.F.R. § 1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits.

37 C.F.R. § 1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but

before the mailing date of the earlier of a final office action under § 1.113 or a notice of allowance under § 1.311, then:

- a certification as specified in § 1.97(e) is provided below; or
- a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. § 1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under § 1.113 or a notice of allowance under § 1.311, but before payment of the issue fee, then:
  - A. a certification as specified in § 1.97(e) is completed below; and
  - B. a petition under 37 C.F.R. § 1.97(d) requesting consideration of this statement is submitted herewith; and
  - C. a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Statement under 37 C.F.R. § 1.97(e) - I hereby certify that either: each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the information disclosure statement; or no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

Name: Hoyt A. Fleming III  
Reg. No.: 41,752

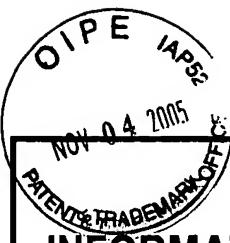
Signature:



Date: 11/2/2005

Park, Vaughan & Fleming LLP  
P.O. Box 140678  
Boise, ID 83714  
(208) 336-5237

**28422**



<b>INFORMATION DISCLOSURE CITATION</b>  PTO-1449		<i>Complete if Known</i>					
		Application No.	10/815,330				
		Filing Date	3/31/2004				
		First Named Inventor	Dennis R. Berman				
		Group Art Unit	3714				
Atty. Docket No.	TRV00-0001-R-1						
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS		
	5,727,950	03-1998	Cook et al.	434	350		
	6,526,258	02-2003	Bejar et al.	434	350		
	6,022,221	02-2000	Boon, John F.	434	156		
	6,551,109	04-2003	Rudmik, Tom R.	434	322		
	6,288,753	09-2001	DeNicola et al.	348	586		
	6,769,917	08-2004	Fujino et al.	434	322		
	6,112,049	08-2000	Sonnenfeld, Bruce	434	350		
	6,755,661	06-2004	Sugimoto, Koichi	434	322		
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.